Remarks

1.   Claims 1-36 of the application were rejected and remain for consideration by the Examiner.

Claim Rejections – 35 USC § 103 – Fishman in view of Bigelow

2.   The Examiner rejected claims 1-4 under 35 U.S.C. 103(a) as unpatentable over Fishman, U.S. Patent No. 6,112,133, in view of Bigelow, US Patent Publication No. 2004/0138775. Claims 1-4 are directed to a method for providing a cutting file for a CNC (computer numerical control) robotic tool to a customer. These claims are nonobvious in that there is no *prima facie* case of obviousness.

3.   As shown by the description in the attached Declaration under 37 C.F.R. § 1.132 by inventor Mr. Hall, Fishman and Bigelow do not render the present application obvious to one of ordinary skill in the art, and therefore the Examiner's rejection under 35 U.S.C. § 103 is moot. The cited references lack expectation of success in their combination and do not teach or suggest every element of the claims in the present application. MPEP 2142. In short, Fishman is expressly focused on a method that supports only *local* development of CNC files, while Bigelow is directed to management of CAD (computer aided design) objects, rather than cutting files that include tooling motion instruction. Fishman cannot be combined with a reference that works across a network. Bigelow does not disclose any detail about the creation and use of such tooling motion data, significantly different from the Applicant's invention as described in the attached Declaration.

4.   Further, it is evident that the cited references do not teach or suggest every element of the claims, in that Applicant's invention, as set forth in claim 1, requires the use of a generic model (including the information for a generic cutting file) to create the final cutting file. *See* claim 1, "generating at the remote site *using the generic model* for a particular product a cutting file that incorporates the final design parameters," and, for example, ¶¶ [0024], [0025], and [0028]. The Examiner cites Bigelow as teaching that "modifying the default model to change the product properties using the configuration form allows the customer to create a CAD product that incorporates the details of the final product as selected by the user over the internet." *See* Examiner's ¶ 8, following item (e). This differs, however, from use of a generic model, such as a generic cutting file, to generate a final cutting file. Nor does Fishman teach use of a generic cutting file to create a custom cutting file. Neither cited reference includes such a step, and therefore there can be no *prima facie* case of obviousness.

5.   Claims 2-4 are nonobvious in that, among other things, they depend directly or indirectly from allowable claim 1 and respectively add limitations thereto.

Claim Rejections – 35 USC § 103
Fishman in view of Bigelow and further in view of Burrows

5.   The Examiner rejected claims 5-36 based on Fishman in view of Bigelow and further in view of Burrows, U.S. Patent No. 6,397,117. The Examiner cites Burrows as teaching a CAD system operating over a communications network, wherein the user gains access to a server comprising a CAD tool for creating the desired CAD design.

6.   As is the case with Bigelow, Burrows is limited to CAD designs, which differ from CNC cutting files as set forth in the attached Declaration. Claim 5 is also nonobvious in

that, among other things, it depends directly or indirectly from allowable claim 1 and respectively add limitations thereto. Accordingly, claim 5 is allowable.

7.   Claims 6-8 are nonobvious in that, among other things, they depend directly or indirectly from allowable claim 1 and respectively add limitations thereto.

8.   Claims 9 and 10 are allowable for the same reason that claim 1 is allowable.

9.   Claims 11-17 are nonobvious in that, among other things, they depend directly or indirectly from allowable claim 10 and respectively add limitations thereto.

10.   Claim 18 is allowable for the same reasons that claim 1 is allowable.

11.   Claims 19-27 are nonobvious in that, among other things, they depend directly or indirectly from allowable claim 18 and respectively add limitations thereto.

12.   Claim 28 is nonobvious because it includes a plurality of generic models in the claimed data structure, an element not present in any of the cited references.

13.   Claim 29 is nonobvious because it includes a generic model, an element not present in any of the references.

14.   Claims 30-36 are nonobvious in that, among other things, they depend directly or indirectly from allowable claim 29 and respectively add limitations thereto.
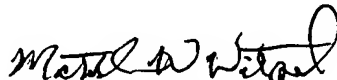
If the Examiner has any questions about the present Reply, a telephone interview is respectfully requested.

As the rejections entered by the Examiner in the Official Action dated August 11, 2004 have been shown to be inapplicable, reconsideration and allowance of claims 1-36, and passage of these claims to issue, is hereby respectfully requested.

Respectfully submitted,

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